

07/13/01  
Jc891 U.S. PTO

7-16-01

PTO/SB/05 (11-00)

Please type a plus sign (+) inside this box



Approved for use through 10/31/2002. OMB 0651-0032

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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.		076883-0268936
First Inventor		Robert J. Dunst Jr. et al.
Title	Method and System of Managing On-the-Shelf Retail Inventories	
Express Mail Label No.		EL754073380US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

**ADDRESS TO**

Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
- ☒ Specification [Total Pages 22]  
(preferred arrangement set forth below)
- Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
- ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 6]
- Oath or Declaration(s)-4 [Total Sheets 8]
- a. ☒ Newly executed (original or copy)
- b. ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:  
i. ☐ CD-ROM or CD-R (2 copies), or  
ii. ☐ paper
- c. ☐ Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. ☒ Assignment Papers (cover sheet & document(s))-3 Assignments
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☒ Request and Certification under 35 U.S.C. 122(b)(2)(B)(i)  
Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: \_\_\_\_\_

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_ / \_\_\_\_\_  
Prior application information: Examiner \_\_\_\_\_ Group Art Unit: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	27271		or	<input checked="" type="checkbox"/> Correspondence address below
Name	Mark C. Pickering			
Address	50 Fremont Street 5 <sup>th</sup> Floor			
City	San Francisco	State	CA	Zip Code 94105
Country	USA	Telephone	(415) 983-1297	Fax (415) 983-1200
Name(Print/Type)	Mark C. Pickering	Registration No. (Attorney/Agent)	36,239	
Signature			Date	7-13-01

Burden Hour Statement. This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Box Patent Application, Washington, DC 20231.

**FEE TRANSMITTAL****For FY 2001***Patent Fees are subject to annual revision**Complete if Known***TOTAL AMOUNT OF PAYMENT****\$750**

Application Number

NEW

Filing Date

Herewith

First Named Inventor

Robert J. Dunst Jr. et al.

Examiner Name

Unknown

Group Art Unit

Unknown

Attorney Document No.

076883-0268936

**METHOD OF PAYMENT (check one)**

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

03-3975

**PILLSBURY WINTHROP LLP**

Deposit Account Number &amp; Deposit Account Name

- ☒ Charge any additional fees required under 37 CFR §§ 1.16 and 1.17

- ☐ Applicant claims small entity status See 37 CFR 1.27.

**2. ☒ Payment Enclosed:**

- ☒ Check ☐ Money Order ☐ Other

**FEE CALCULATION****1. BASIC FILING FEE**

LARGE ENTITY		SMALL ENTITY		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	710	201	355	Utility	710
102	320	206	160	Design	
107	490	207	245	Plant	
108	710	208	355	Reissue	
114	150	214	75	Provisional	
<b>SUBTOTAL (1)</b>					710

**2. EXTRA CLAIM FEES**

		Extra Claims	Fee from below	Fee Paid
Total Claims	19 - 20 **	= 0	x 18	= \$ 0
Independent	3- 3	= 0	x 80	= \$ 0
Multiple Dep.			*	= \$ *

**\*\* or number previously paid, if greater, for Reissues, see below**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claim in excess of 20	
102	80	202	40	Independent claims in excess of 3	
104	270	204	135	Multiple dependent claim, if not paid	
109	80	209	40	** Reissue ind claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>					\$0

**FEE CALCULATION (continued)****3. Additional Fees**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee	
139	130	139	130	Non-English specification	
147	2520	139	2520	Filing a request for re-examination	
112	920*	112	920*	Req publ. of SIR prior to Ex. Action	
113	1840*	113	1840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within 1 <sup>st</sup> mo.	
116	390	216	195	Extension for reply within 2 <sup>nd</sup> mo.	
117	890	217	445	Extension for reply within 3 <sup>rd</sup> mo	
118	1390	218	695	Extension for reply within 4 <sup>th</sup> mo	
128	1890	228	945	Extension for reply with 5 <sup>th</sup> mo	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1510	138	1510	Pet to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1240	241	620	Petition to revive - unintentional	
142	1240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	50	Petition related to provisional apps	
126	180	126	180	Submission of IDS Statement	
581	40	581	40	Recording each patent assignment per property (x no. of properties)	40
146	710	246	355	Filing a submission after final rej	
149	710	249	355	For each add'l. invention to be examined ( 37 C.F.R. § 1.129(b))	
179	710	279	355	Request for Continued Exam. (RCE)	
169	900	169	900	Req. for expedited exam. of a design app	
<b>*Reduced by Basic Filing Fee Paid SUBTOTAL (3)</b>					\$40

**SUBMITTED BY**

Pillsbury Winthrop LLP  
50 Fremont Street, 5<sup>th</sup> Floor  
San Francisco, CA 94105-2230  
Telephone: (415) 983-1000  
Facsimile: (415) 983-1200  
Customer No. 27271

Date:

7-13-01

By:

Mark C. Pickering, Reg. No 36,239

<b>REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor	Robert J. Dunst Jr., et al
	Title	Method and System of Managing On-The-Shelf Retail Inventories
	Atty Docket Number	076883-0268936

I hereby certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

7-13-01  
Date

  
Signature

Mark C. Pickering  
Reg. No. 36,239

\_\_\_\_\_  
Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Washington, DC 20231